IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kenneth EBBS and Tuan TRAN

Application No.: 09/987,760

Filed: November 15, 2001

For: FLEXIBLE AND EXTENSIBLE
      E-COMMERCE
      ARCHITECTURE

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Art Unit: 2152

Examiner: Not yet assigned

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Technology Center 2100

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the

Examiner the document listed on the attached Form PTO-1449, which the Examiner may deem

relevant to the patentability of the above-identified application. One copy of the listed document

is submitted herewith.

This information disclosure statement is being filed within one of the following time

periods: within three months of the filing date of this application other than a continued

prosecution application, or within three months of the date of entry into the national stage of this

international application, or before the mailing date of a first Office Action on the merits, or

before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

Applicant respectfully requests that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists. The document entitled "Commerce Server 2000 High Availability Reference Architecture" is undated and, as such, its submission does not constitute an admission that the document is material or constitutes "prior art." If the Examiner applies the document as "prior art" against any claims in the application and Applicant determines that the cited document does not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No.
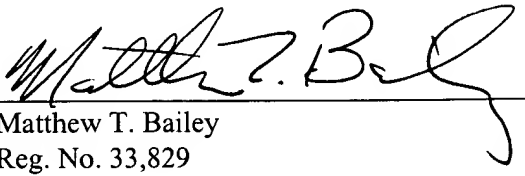
\\\DC - 80168/127 - #1489991 v1

50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR**

EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: March 4, 2002

By: _____
Matthew T. Bailey
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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 80168-0127	APPLICATION NO. 09/987,760
INFORMATION DISCLOSURE STATEMENT BY APPLICANT	APPLICANT Kenneth EBBS and Tuan TRAN	
(Use several sheets if necessary)	FILING DATE November 15, 2001	Art Unit: 2152

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

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FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	ABSTRACT Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		Commerce Server 2000 High Availability Reference Architecture

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.